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| In the Matter of                           | ) |                      |
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| Amendment of Part 22 of the Commission’s   | ) |                      |
| Rules To Benefit the Consumers of Air-     | ) | WT Docket No. 03-103 |
| Ground Telecommunications Services         | ) |                      |
|  | ) |                      |
| Biennial Regulatory Review – Amendment     | ) |                      |
| of Parts 1, 22, and 90 of the Commission’s | ) |                      |
| Rules                                      | ) |                      |
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SkyTel Corp. (debtor-in-possession) (“SkyTel”), a wholly-owned subsidiary of MCI, hereby submits Reply Comments relating to the Federal Communications Commission’s (“Commission” or “FCC”) Notice of Proposed Rulemaking released on April 28, 2003 (“NPRM”).<sup>1</sup>

<sup>1</sup>*In the Matter of Amendment of Part 22 of the Commission's Rules To Benefit the Consumers of Air-Ground Telecommunications Services, Biennial Regulatory Review – Amendment of Parts 1, 22, and 90 of the Commission's Rules*, Notice of Proposed Rulemaking, WT Docket No. 03-103 (rel. April 28, 2003) (“NPRM”).

Telecommunications Industry Association, Inc. (“AMTA”).

Specifically, AMTA asks the Commission to investigate whether General Aviation Air-Ground spectrum is being effectively used and, to the extent it is deemed inefficient, then the Commission should consider making it available for other purposes through the competitive bidding process.<sup>2</sup> AMTA also suggests that the needs of General Aviation Air-Ground users could be better served by providers like AirCell, which makes use of terrestrial cellular spectrum and networks to provide its service.<sup>3</sup> AMTA’s proposal is unworkable and is wholly inconsistent with the public interest.

SkyTel believes that the General Aviation Air-Ground Service could indeed benefit from rules that stimulate new technology. Indeed, SkyTel and at least one manufacturer of AGRAS equipment are currently investigating new protocols and other technological improvements that could increase spectral efficiency and ultimately reduce the cost of hardware. However, to simply “scrap” the General Aviation Air-Ground band in lieu of some other service would be to visit a disservice upon the public.

Most of the subscriber equipment on SkyTel’s network is installed on corporate and executive aircraft. This entrenched customer base would be left without service and would end up with stranded investment if the band were to be reallocated. As discussed in SkyTel’s initial Comments, the Air-Ground band is critical to the safety of aircraft operation in that pilots use these channels for, among other things, emergency communications. While some larger aircraft may have additional radios that are interconnected with the PSTN, for many aircraft, the Air-Ground band is the plane’s only link to the telephone network. Many pilots have come to rely on

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<sup>2</sup> Comments of AMTA at 6.

<sup>3</sup> *Id.*

these radios for this purpose and will sometimes ground an aircraft if this radio is not working.

To force AGRAS users to suddenly purchase and install new equipment is clearly not in the public interest. In addition to this unnecessary expense, they will be left with unusable equipment representing a substantial sum in the aggregate. In particular, there are over 3,000 AGRAS users that currently use the General Aviation Air-Ground Service. And AGRAS equipment costs in the approximate range of \$10,000 to \$12,000 installed. Therefore, there is an entrenched investment of over \$30 million in AGRAS equipment that is still regularly used.

In any event, it is not clear that AirCell's system could accommodate all of the current users from the General Aviation Air-Ground Service, given the way AirCell currently operates. AirCell units are currently installed on only about 1,400 aircraft.<sup>4</sup> It is possible that increasing AirCell's customer base by a factor of three could wreak havoc on already overburdened terrestrial cellular systems.

While the Commission should ensure that the General Aviation Air-Ground Service Rules are appropriate and in the public interest, scrapping a well-used band in favor of some unknown service is an ill-advised course of action.

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<sup>4</sup> See < <http://www.aircell.com/about/> >.

For the reasons set forth above, SkyTel respectfully requests that the Commission adopt rules consistent with the above recommendations.

Respectfully submitted,

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